



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **PATENT APPLICATION** of:

Constance Liu

Serial No: 09/748,778

Group Art Unit: 2685

Examiner: Nhan T Le

Attorney Docket No.: P9805

Filed: December 27, 2000

For: **SYSTEM THAT CUSTOMIZES  
FAVORITE RADIO STATIONS  
FOR MULTIPLE USERS**

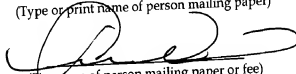
**CERTIFICATE OF MAILING**

Date of Deposit: 9/2/04

I hereby certify that this paper or fee including its accompanying paperwork is being deposited with the United States Postal Service as first class mail on the date indicated above and is addressed to the Commissioner of patents and Trademarks, Washington, D.C. 20231

Richard Liu

(Type or print name of person mailing paper)

  
(Signature of person mailing paper or fee)

**AMENDMENT**

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

**RECEIVED**

SEP 10 2004

Technology Center 2600

Dear Sir:

This is in response to the Official Action mailed 3 June 2004 in connection with above-captioned patent application, setting a due date of 3 September 2004. Accordingly, no time extension is needed.

Receipt of the Office Action dated June 3 2004 is hereby acknowledged. In that Action, the Examiner rejected claims 1,3,5 and 6 under 35 U.S.C. §103(a) as being unpatentable over *Thayer et al* (US 5,734,971) and in view of *Koenig et al* (US 5,781,123), rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Thayer et al* (US 5,734,971) and in view of *Koenig et al* (US 5,781,123) as applied to claim 1 and further in view of *Andrews* (US 6,236,350), and rejected claim 4 under 35 U.S.C. §1103(a) as being unpatentable over *Thayer et al* (US 5,734,971) and in

view of *Koenig et al* (US 5,781,123) and further in view of *admitted prior art*. Applicants respectfully traverse these rejections.

The Examiner has relied on *Thayer et al* (US 5,734,971) and *Koenig et al* (US 5,781,123) as a basis to form all the rejections in the Office Action. However, if looking at *Koenig et al* (5,781,123) more closely, one would understand that it teaches a logging device of command and control functions such as 'station search' (col.3 lines 54-65) and provides a list of command/control function distributions to enable execution of commands and control functions to help reduce distraction while driving. That however, does not meet the limitations of the pending claims as suggested by the Examiner that state, "the preference means further receiving **preferred station information for selection and tuning** and the control electronics being operatively configured to receive a second current driver identity from the identification system and further being configured to respond to the **preferred station information for selection and tuning by selecting and tuning** to the preferred station information for storage whose linked first current driver identity matching with the second current driver identity." (Emphasis added) In fact, if we were to combine the two references, the resulting combination does not arrive at the subject matter as claimed.

The other references cited in the Office Action were reviewed and found any addition to the basis of the Examiner's rejections is moot in view of the foregoing remarks.

In view of the foregoing, the Applicants hereby respectfully request that the Examiner allow the case be passed to issue.

If the Examiner finds differences that can be resolved by telephone interview, Applicants respectfully request leave for such interview by telephoning the undersigned collect at (408) 974-1798.

Respectfully submitted,  
Constance Liu

By

Richard C. Liu  
Reg. No. 34377

Dated: September 2, 2004